

## **REMARKS/ARGUMENTS**

The Office Action mailed March 22, 2005, has been reviewed and carefully considered. Claims 1-15 have been canceled and new claims 16-22 are submitted. Because this is a divisional application of application S.N. 09/581,037 issued now into US 6,639,872, the new claims are drafted similar to the issued claims of application.

The Examiner cited, as obvious, the same references as were cited during the prosecution of S.N. 09/581,037 issued now into US 6,639,872, which references were already overcome by the claims issued and, similarly, which are overcome by the claims now pending in this case. Concerning these references (Welle '704, '297) and Feierbach ('018), applicant points out that the present claims claim an acoustic transmitting unit which is formed such as to provide a temporary contact with a functional article. A temporary contact means a touch between two articles for a short time which may be abandoned at any time immediately, reversibly, and without much effort. At the contact area between the base device 1 and the functional article 4, there is an energy sink via which acoustic energy can enter the functional article 4 and flow to the information carrier 5. The ultrasonic transmitting and receiving unit of the information carrier 5 which preferably operates within the resonance range of the sound frequency or within a secondary excitement range represents a particularly strong energy sink. As long as the touching contact between the base device and the functional article is maintained, the resulting potential gradient lets continuously flow in subsequent acoustic energy. Due to this inflow of energy, the information carrier is switched on, reaches its operating state due to the electric energy supplied, and triggers ultrasound information transmission via the contact area between the functional article and the base device.

Claims 1-6 are rejected as anticipated by the patents of Welle ('297 or '704) or Feierbach. Applicant submits that this rejection is untenable for the following reasons. As expressly recited in independent method claims and the independent arrangement claims, the functional article is being contacted only temporarily to establish a brief connection with the base device, that is, for a short contact period, to enable communication. (emphasis added). Neither of the patents issued to Welle or Feierbach include an arrangement for allowing only a temporary contact between a base device and a functional article. The systems described in Welle's patents disclose permanently connected circuitry. The transducers may also be combined with lens

configurations, which require fixed mounting. One transducer arrangement is described to be located in inaccessible areas, such as in a rocket fuel tank. Such arrangement must also be a fixed arrangement.

Thus, the arrangement differs substantially between the references cited and the present claims which require a temporary contact.

Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.


**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By   
Christa Hildebrand  
Attorney for Applicant  
Reg. No. 34,953  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844